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Answer given by Executive Vice-President Virkkunen
on behalf of the European Commission
(1.7.2026)

The Commission acknowledges the importance of data assets of deceased persons, which are protected under several EU laws.

The AI Act¹ provides for harmonised rules on artificial intelligence in the EU, which apply regardless of whether the data used refer to a living or a deceased person. Further, the rights to determine the usage of non-personal product and related services data under the Data Act² might be passed on from the deceased user to their heirs under national succession rules. Third, as regards data considered a work of authorship under EU copyright law, Directive 2006/116/EC³ establishes a 70-year term of protection of authors' rights following the author's death.

As regards the General Data Protection Regulation⁴ (GDPR), national legislation or case law may award protection. The option of creating rules on the processing of personal data of deceased persons is explicitly acknowledged in Recital 27 of the GDPR. Moreover, national contractual or succession law rules may grant heirs the right to access and control the user accounts and data of deceased persons. The Commission is not aware of any concerning fragmentation of such rules at national level that would require a harmonised approach under EU law.

In light of the above, the Commission is currently not planning legislative action on the matter. However, the Commission will observe this matter closely and will consider taking further action if necessary.

¹ Regulation (EU) 2024/1689 of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act).

² Regulation (EU) 2023/2854 of the European Parliament and of the Council of 13 December 2023 on harmonised rules on fair access to and use of data and amending Regulation (EU) 2017/2394 and Directive (EU) 2020/1828 (Data Act).

³ Directive 2006/116/EC of 12 December 2006 on the term of protection of copyright and certain related rights, as amended by Directive 2011/77/EU of 27 September 2011.

⁴ Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).